

RECORDATION NO. 25923-D FILED

NOV 04 '10 -3 27 PM

SURFACE TRANSPORTATION BOARD



October 27, 2009

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

Dear Chief:

Please find attached, one (1) copy of the Partial Release dated October 20, 2010 between the following parties:

Wells Fargo Equipment Finance, Inc.  
733 Marquette Ave, Suite 700  
Minneapolis, MN 55402

The David J. Joseph Company  
300 Pike Street  
Cincinnati, OH 45202

This filing is to appear in the index as follows: Partial Release dated October 20, 2010 related to (77) seventy-seven railcars bearing reporting marks: JTSX 46120-801296, sporadic.

Please file this as a secondary document under Recordation Number 25923-D as it relates to documents previously filed with the Surface Transportation Board under Recordation Numbers 25923 through 25923-C. The filing fee in the amount of \$41.00 can be charged to our account.

Should you have any questions or need further information, please do not hesitate to contact me at (513) 419-6062.

Sincerely,

Julie Woodard  
Documentation Coordinator

Enclosures

NOV 04 '10 -3 27 PM

**PARTIAL RELEASE**

SURFACE TRANSPORTATION BOARD

This Release is entered into as of October 20, 2010, and effective as of October 29, 2010, between The David J. Joseph Company, a Delaware corporation ("Joseph") and Wells Fargo Equipment Finance, Inc., a Minnesota corporation ("WFEFI").

WHEREAS, Joseph and WFEFI are parties to a Purchase and Sale Agreement dated as of October 26, 2005 (the "Agreement") pursuant to which (a) WFEFI purchased the railroad cars identified on Exhibit A hereto (the "Railcars") and (b) WFEFI granted Joseph certain rights in such Railcars which operated as a lien upon such Railcars;

WHEREAS, Joseph and WFEFI memorialized the Agreement of record by filing a Memorandum of Options, Rights of First Refusal and Remarketing Rights dated as of October 26, 2005 between Joseph and WFEFI (the "Memorandum of Options, Rights of First Refusal and Remarketing Rights") with the Surface Transportation Board (the "STB"); and

WHEREAS, the Memorandum of Options, Rights of First Refusal and Remarketing Rights was recorded with the STB and assigned recordation number 25923-B;

NOW THEREFORE, in consideration of the premises and mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The Memorandum of Options, Rights of First Refusal and Remarketing Rights is hereby terminated. The parties hereby (a) release all rights, interests or claims to, and all liens and encumbrances upon, the Railcars as given under the Memorandum of Options, Rights of First Refusal and Remarketing Rights.

2. The parties desire to execute this Release for purposes of memorializing of record the agreement set forth herein.

3. This Release may be executed in as many counterparts as shall be determined by the parties hereto when so executed, each such counterpart shall be binding on both parties hereto, notwithstanding that both parties are not signatories to the same counterpart.

**IN WITNESS WHEREOF**, this Release has been duly executed by duly authorized officers of the parties as of the date and year first above written.

**THE DAVID J. JOSEPH COMPANY**

By: Kelly C. Poellera

Title: Vice President Finance, Brokerage

**WELLS FARGO EQUIPMENT FINANCE, INC.**

By: Jan Kirschner

Title: AVP

State of OHIO )  
County of HAMILTON ) ss

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of October, 2009 by Kelly C. Poellein, the Vice President Finance, Brokerage of The David J. Joseph Company, a Delaware corporation, on behalf of the said corporation.

Angela Denise Watts  
Notary Public  
My Commission Has No Expiration

ANGELA DENISE WATTS  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Date Section 147 03 O.R.C.

State of MINNESOTA )  
County of DAKOTA ) ss

The foregoing instrument was acknowledged before me this 28 day of October, 2010 by JAN LEITSCHUH, the AVP of Wells Fargo Equipment Finance, Inc., a Minnesota corporation, on behalf of the said corporation.

Mary A. Broders  
Notary Public  
My Commission Expires: JAN 31, 2013



## EXHIBIT A

**RAILCARS:** Seventy-seven (77) railcars bearing reporting marks as follows:

OLD NUMBER		NEW NUMBER	
NAHX	55331	-	-
NAHX	46120	JTSX	46120
NAHX	46146	JTSX	46146
NAHX	46148	JTSX	46148
NAHX	46149	JTSX	46149
NAHX	46152	JTSX	46152
NAHX	46153	JTSX	46153
NAHX	46154	JTSX	46154
NAHX	49120	JTSX	49120
NAHX	49141	JTSX	49141
NAHX	49153	JTSX	49153
NAHX	49213	JTSX	49213
NAHX	49224	JTSX	49224
NAHX	49234	JTSX	49234
NAHX	49235	JTSX	49235
NAHX	49253	JTSX	49253
NAHX	49280	JTSX	49280
NAHX	49303	JTSX	49303
NAHX	49306	JTSX	49306
NAHX	49310	JTSX	49310
NAHX	49371	JTSX	49371
NAHX	49400	JTSX	49400
NAHX	49405	JTSX	49405
NAHX	49465	JTSX	49465
NAHX	49487	JTSX	49487
NAHX	50306	JTSX	50306
NAHX	50309	JTSX	50309
NAHX	50321	JTSX	50321
NAHX	50325	JTSX	50325
NAHX	50403	JTSX	50403
NAHX	50404	JTSX	50404
NAHX	50435	JTSX	50435
NAHX	50452	JTSX	50452
NAHX	52996	JTSX	52996
NAHX	53610	JTSX	53610
NAHX	53711	JTSX	53711
NAHX	53734	JTSX	53734
NAHX	53809	JTSX	53809
NAHX	53863	JTSX	53863
NAHX	53886	JTSX	53886
NAHX	53929	JTSX	53929
NAHX	53931	JTSX	53931
NAHX	53941	JTSX	53941
NAHX	53942	JTSX	53942

NAHX	54107	JTSX	54107
NAHX	54361	JTSX	54361
NAHX	54374	JTSX	54374
NAHX	54616	JTSX	54616
NAHX	54632	JTSX	54632
NAHX	54686	JTSX	54686
NAHX	55144	JTSX	55144
NAHX	55149	JTSX	55149
NAHX	55187	JTSX	55187
NAHX	55189	JTSX	55189
NAHX	55227	JTSX	55227
NAHX	55361	JTSX	55361
NAHX	55373	JTSX	55373
NAHX	55383	JTSX	55383
NAHX	55387	JTSX	55387
NAHX	55439	JTSX	55439
NAHX	55440	JTSX	55440
NAHX	55523	JTSX	55523
NAHX	55674	JTSX	55674
NAHX	55681	JTSX	55681
NAHX	55686	JTSX	55686
NAHX	55694	JTSX	55694
NAHX	63341	JTSX	63341
NAHX	65011	JTSX	65011
NAHX	190525	JTSX	190525
NAHX	190759	JTSX	190759
NAHX	478915	JTSX	478915
NAHX	480955	JTSX	480955
NAHX	488633	JTSX	488633
NAHX	800520	JTSX	800520
NAHX	800531	JTSX	800531
NAHX	801296	JTSX	801296
NAHX	50409	JTSX	50409